

Afschrift

van een akte

houdende

AFFIDAVIT

akte de dato 12 januari 2007,
verleden voor mr. A.A. van Velten,
notaris te Amsterdam



Reference number : 20070139 \jww\ avv

Today, the twelfth day of January two thousand and seven, the following person appeared before me, mr. Alexander Adriaen van Velten, Civil-Law Notary practising in Amsterdam: —
 Hinno Roderik Postma, residing at Noordlaan 16, 1861 GN Bergen, The Netherlands, born in Renkum, on the thirtieth day of May nineteen hundred and sixty-one, holder of a drivers license with number 3311447556, issued in Bergen on the ninth day of July two thousand and three, married, _____
 referred to hereinafter as: the '**Mr Postma**'. _____

Introduction

Mr Postma declared that he wishes to make certain statements before a civil-law notary in connection to the legal proceedings which have been instituted with the United States District Court, Southern District of New York, between Mediterranea Navigazione SPA as the plaintiff and International Petrochemical Group S.A. as the defendant. _____
 Furthermore, Mr Postma requested that (i) a copy of a notice to Rosbank sent by the Bank of New York and (ii) copies of the Summons, the Verified Complaint and the Order of Attachment which see to the legal proceedings referred to above which have been obtained the law offices of Cone & Kilbourn are attached to this deed. Mr Postma declared that, for the purpose of his statements, he will refer to the former document as '**Exhibit A**' and that he will refer to the latter documents collectively as '**Exhibit B**'. _____

Statement

Mr Postma made the following statements, before me, civil-law notary: _____

- " 1. I am a partner in the law firm of De Koning & Mulder which has offices in Amsterdam and Rotterdam, The Netherlands. I have been duly admitted to practice in The Netherlands for many years. _____
2. My firm is acting as counsel for the above Defendant, International Petrochemical Group S.A, in connection with the subject matter and in connection with other cases. International Petrochemical Group S.A. is a petrochemical trading company located in Geneva, Switzerland. _____



The Appearer, whose identity I, Notary, have established by means of the document referred to in this Deed, is known to me, Notary. _____

THIS DEED _____

a concise summary of the contents of which was stated to the Appearer, drawn up to be kept in the Notary's custody was executed in Amsterdam on the date first above written. —

I, Civil-Law Notary, informed the person appearing before me of the substance and subsequently explained the contents of the present Deed. I also informed that person of the consequences which the present Deed would have on the party to the Deed. The person appearing before me subsequently declared that he had taken note of the contents of the present Deed, that he consented thereto and that he did not require it to be read out in full. After some passages of the present Deed had been read out, it was then signed by the person appearing before me and by me, Civil-Law Notary. _____

(followed by signatures of Appearer and Civil-Law Notary)



FOR CERTIFIED COPY:

Amsterdam, 15 januari 2007

mr. Alexander Adriaen van Velten, notaris

3. I am the attorney in my firm handling the subject matter for International Petrochemical Group S.A. and, as such, I am fully familiar with all of the facts and circumstances of this matter. _____
 4. My firm was recently retained by International Petrochemical Group S.A. in connection with the attachment of funds while these funds were in transit in New York in an intermediate bank, The Bank of New York, in the process of being transferred from International Petrochemical Group S.A.'s bank, Rosbank (Switzerland) S.A., to Citibank N.A. for the account of Nizhnekamskneet Republi as beneficiary. The amount attached amounts to four hundred and fifty-nine thousand one hundred and fifty-seven US Dollars and seventy-five cents (\$ 459,157.75). The one page notice to Rosbank sent by the Bank of New York referencing the attachment is attached hereto as Exhibit A. _____
 5. Because I knew nothing about the mechanism or reason for the attachment in New York, I contacted my United States correspondent counsel, Cone & Kilbourn, in New York and asked them to find out what had happened. _____
 6. Cone & Kilbourn obtained copies of the Summons, Verified Complaint and Order of Attachment and forwarded them to me. Copies of each are attached as Exhibit B collectively. _____
 7. From the notice of Rosbank (Exhibit A), it is obvious that the seized funds for the account of the above named beneficiary were no longer in possession of International Petrochemical Group S.A. or its bank, were, in fact, in transit in the possession of an intermediate bank in New York, the Bank of New York, and were thus not the property of International Petrochemical Group S.A. when they were attached. _____
 8. Consequently, International Petrochemical Group S.A. has instructed me and my Firm, in turn, has instructed Cone & Kilbourn to seek to vacate the attachment" _____
- Mr. Postma declared that the above statements have been made truthfully, and that he is authorized to make the above statements. _____
- Subsequently, these statements were corroborated by the solemn affirmation (*belofte*) within the meaning of the Act Form of the Oath (*Wet Vorm van de Eed*) by Mr Postma. _____
- Final** _____
- I, civil-law notary, have not been able to verify the above statements made by Mr Postma the and circumstances to which Mr Postma refers. _____